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of Applicants' Information Disclosure Statement by return of the form PTO-1449. Applicants also acknowledge the finality of the Examiner's restriction requirement, and expressly reserve the right to file one or more divisional applications directed to the non-elected subject matter.

Upon entry of the present amendment, Fig. 17 and the specification will have been amended, claims 1-11 will have been canceled and claims 24-35 will have been added for consideration by the Examiner. Applicants note that newly added claims 24-33 generally correspond to original claims 1-9 and 11, respectively. Applicants note that these new claims do not contain "means-plus-function" terminology.

The Examiner has objected to Fig. 17 of the drawings under 37 C.F.R. § 1.83(p)(4), noting that this figure uses reference characters "41j" to refer to two different elements. In compliance with the Examiner's requirement, Applicants submit a proposed drawing correction, together with a corrected formal drawing, concurrently herewith. Thus, it is respectfully requested that the Examiner withdraw the objection to Fig. 17.

The Examiner has also objected to the drawings under 37 C.F.R. § 1.83(a), requiring that the drawings show every feature of the invention as described in the specification and claims. Specifically, the Examiner has required that the locating means comprising one circular hole and one oblong hole, as recited in claim 10, be shown or canceled. Applicants

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have canceled claim 10, and therefore respectfully request that the Examiner withdraw the objection to the drawings under 37 C.F.R. § 1.83(a).

The Examiner has objected to the specification, requiring the elimination of the phrase “the contents of which is expressly incorporated herein by reference in its entirety” from page 21, lines 21-21, and has further objected to the disclosure because of several informalities, namely, typographical errors, in the specification. The Examiner has additionally objected to the specification under 37 C.F.R. § 1.75(d)(1) and MPEP§ 608.01(o), since the recitation of claim 10 does not appear in the specification. By the present amendment, Applicants have canceled the incorporation by reference of essential material, have corrected the typographical errors in the specification, and have canceled claim 10. Thus, it is respectfully requested that the Examiner withdraw the objections to the specification.

The Examiner has objected to claims 1 and 7, finding the term “a group of electrode plate” to be grammatically awkward. As discussed above, Applicants have canceled claims 1 and 7, replacing them with new claims 24 and 30, respectively, which do not contain the language deemed awkward by the Examiner.

The Examiner has objected to claims 4 and 10 under 37 C.F.R. § 1.75(c), finding that these claims do not further limit the subject matter of a preceding claim. In compliance with the Examiner’s requirement, Applicants have elected to cancel claims 4 and 10, and notes that newly added claim 27, which substantially corresponds to claim 4 is are not intended to

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further limit or narrow the subject matter claimed in claim 4. Rather, new claim 27 merely clarifies the subject matter recited in canceled claim 4. Thus, this rewriting of claim 4 is cosmetic in nature, and is not intended to narrow the scope of new claim 27.

The Examiner has rejected claims 1-11 (*i.e.*, all pending elected claims) under 35 U.S.C. § 112, second paragraph, as being indefinite. As discussed *supra*, Applicants have canceled claims 1-11. With respect to the Examiner's rejection of claims 1 and 6-8 based upon the preamble, although Applicants respectfully disagrees with the Examiner's rejection under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand that the electrode plate unit is being modified by the term "including," Applicants have, as discussed *supra*, rewritten these claims as substantially corresponding new claims 24, 29-31, which recite "A battery comprising an electrode plate unit, the electrode plate unit including: . . ." in compliance with the Examiner's suggestion, solely to expedite the patent application process in a manner consistent with the PTO's patent business goals, 65 Fed. Reg. 54603 (September 8, 2000).

With respect to the Examiner's finding, in claim 1, that the limitation "the positive electrode collector plate and the negative electrode collector plate are formed with protruded portions on a surface which is to be bonded to the lateral edges of the positive electrode plates and the negative electrode plates" is indefinite, Applicants submit that one skilled in the art would readily understand that the collector plates are bonded to the electrode plates,

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as this limitation was expressly recited in claim 1, Applicants have, as discussed *supra*, rewritten this claim as substantially corresponding new claim 24, to make explicit what was already implied in the original claim, solely to expedite the patent application process in a manner consistent with the PTO's patent business goals.

With respect to the Examiner's finding, in claim 4, that the limitation "wherein a solder material is attached at portions in the positive and negative collector plates that are to be bonded to the lateral edges of the electrode plate group" is indefinite, Applicants submit that in that one skilled in the art would readily understand that the solder material is bonded to the electrode plates, as this limitation was expressly recited in claim 4, Applicants have, as discussed *supra*, rewritten this claim as substantially corresponding new claim 27, to make explicit what was already implied in the original claim, solely to expedite the patent application process in a manner consistent with the PTO's patent business goals. Therefore, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

The Examiner has made the following rejections under 35 U.S.C. § 102:

- 1) Claims 1 and 2, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,960,603 to MORIOKA et al.
- 2) Claim 1, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,120,930 to ROUILLARD et al.
- 3) Claims 1, 6 and 7, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,432,574 to SUZUKI et al.

4) Claims 1-3, 6 and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,972,532 to OWEIS et al.

5) Claims 8-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,871,860 to HIROKOU et al.

Applicants respectfully traverse the Examiner's rejection. With respect to the Examiner's rejection of independent claims 1 and 7, as discussed *supra*, Applicants have rewritten this claim as substantially corresponding claim 24 and 30, which recite *inter alia*, an electrode collector plate channel defined by raised edges protruding beyond a plane defined by the electrode collector plate, a limitation neither taught nor disclosed by any of the applied references. This feature is shown, *inter alia*, in Figs. 11A, 12D, 14A and 14B. To the contrary, for Example, MORIOKA merely provides corrugated collector plates.

With respect to the Examiner's rejection of independent claims 6 and 8, as discussed *supra*, Applicants have rewritten this claim as substantially corresponding claim 29 and 31, which recite *inter alia*, that the plurality of bent portions are bent at random angles, a limitation neither taught nor disclosed by any of the applied references. This feature is shown, *inter alia*, in Fig. 15C of the present application. To the contrary, for example, the bent portions of OWEIS are bent at uniform angles.

With respect to the above features noted as deficient in the prior art, Applicants note that these features have been included to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims.

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With respect to SUZUKI, this reference may not be a proper reference under 35 U.S.C. §102(e), since it issued in the U.S. on August 13, 2002 and was filed in the U.S. on June 28, 2001, which is after the priority date (September 21, 1999) of the present application.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 24 and 29-31, these claims, and the claims dependent therefrom, are not anticipated thereby.

With respect to rejected dependent claims 2-3, 9 and 11, which substantially correspond to new claims 25-26 and 32-33, these new claims are dependent from one of claims 24 and 31, which are allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. Additionally, the rewritten dependent are not intended to further limit or narrow the subject matter claimed in the canceled claims they replace. Rather, these new dependent claims merely clarify the subject matter recited in the canceled claims they replace. Thus these amendments are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, the amendments to the dependent claims should not be considered a decision to narrow the claims in any way.

Accordingly, the Examiner is respectfully requested to indicate the allowance of the independent claims, as well as claims dependent claims 25-28 and 32-35 (of which claims 25-28 and 32-33 correspond to original claims 2-5, 9 and 11), under 35 U.S.C. § 102.

The Examiner has rejected dependent claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over OWEIS in view of U.S. Patent No. 4,053,687 to COIBION et al. Specifically, the Examiner has not accorded any patentable weight to these claimed limitations, as described above, and has found that OWEIS shows all the features of these claims except for the use of solder, and thus concludes that it would have been obvious to one having ordinary skill in the art to use solder to bond the collector plates to the electrode plates. Applicants note that these claims have been canceled and replaced with substantially corresponding claims 27-28, and that the changes shown in these new claims are not intended to further limit or narrow the subject matter claimed in the canceled claims they replace. Rather, new claims 27-28 merely clarify the subject matter recited in the canceled claims they replace. Thus these amendments are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, the amendments to claims 27-28 should not be considered a decision to narrow the claims in any way.

The Examiner has rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over OWEIS in view of U.S. Patent No. 5,674,641 to CHEU. Specifically, the Examiner has found that OWEIS discloses all of the claimed limitations except for the lead

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portions of the positive and negative electrode plates including locating means in the form of a hole for positioning the lateral edges of the electrode plates with respect to the collector plates, but has determined that CHEU teaches such a limitation, and concludes that it would have been obvious to incorporate this feature into the device of OWEIS.

Applicants respectfully traverse the above rejection. Specifically, as discussed *supra*, none of the applied references teaches or discloses that the plurality of bent portions are bent at random angles, as claimed in independent claim 31 (which substantially corresponds to original claim 8). With respect to rejected claims 9-10, which substantially correspond to new claims 32-33, these new claims are dependent from claim 31, which is allowable for at least the reasons discussed *supra*, these claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. Additionally, rewritten dependent claims 32-33 are not intended to further limit or narrow the subject matter claimed in the canceled claims they replace. Rather, new claims 32-33 merely clarify the subject matter recited in the canceled claims they replace. Thus these amendments are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, the amendments to claims 54-64 should not be considered a decision to narrow the claims in any way. Accordingly, the Examiner is respectfully requested to withdraw all rejections under 35 U.S.C. § 103(a).

The Examiner has also made the following obviousness-type double patenting rejections:

- 1) Claim 1 has been provisionally rejected as being unpatentable over claim 1 of copending Application No. 09/614,769;
- 2) Claims 1 and 6 have been provisionally rejected as being unpatentable over claims 1 and 5 of copending Application No. 09/694,347; and
- 3) Claim 1 has been provisionally rejected as being unpatentable over claim 1 of copending Application No. 09/842,562 in view of U.S. Patent No. 5,840,087 to GOZDZ et al.

Applicants submit herewith a Terminal Disclaimer fully complying with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 3.73(b). Thus, Applicants respectfully request the Examiner to withdraw all double patenting rejections, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

Applicants are filing the enclosed terminal disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of U.S. Patent Application Nos. 09/614,769 and 09/694,347, and U.S. Patent No. 5,840,087 in any way conflict. However, neither Applicants nor the Assignee intend to make any representation as to whether the invention defined by any of the claims of the present application and those of U.S. Patent Application Nos. 09/614,769 and 09/694,347, and U.S. Patent No. 5,840,087 would have been obvious in view of any of the other, or whether an obviousness-type double patenting rejection would be appropriate if the enclosed terminal disclaimer was not filed.

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Nor do Applicants acquiesce in the propriety of the Examiner's rejection. The terminal disclaimer is being filed only to expedite the allowance of the pending claims.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102, 103 and 112, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicants' invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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MARKED-UP COPY OF SPECIFICATION

Please amend the paragraph beginning page 4, line 21 as follows:

---a plurality of positive electrode plates and a plurality of negative electrode plates that are alternately stacked upon one another with intervening separators therebetween, thereby constituting a group of electrode [plate] plates, wherein lateral edges of the positive electrode plates protrude beyond the negative electrode plates on one side, and lateral edges of the negative electrode plates protrude beyond the group of positive electrode plates on the opposite side; and---

Please amend the paragraph on page 6, lines 8-10 as follows:

---Fig. 7A is a front view, Fig. 7B is a top plan view, and Fig. 7C is an enlargement of [VIC] VIIC in Fig. 7B, showing a negative electrode plate in the same embodiment;---

Please amend the paragraph on page 21, lines 19-21 as follows:

---The present disclosure relates to subject matter contained in priority Japanese Patent Application No. HEI 11-267001[, the contents of which is herein expressly incorporated by reference in its entirety].---